

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA**

UNITED STATES OF AMERICA	)	Case No. 1:17-cr-140
	)	
v.	)	District Judge Curtis L. Collier
	)	
MITCHELL EUGENE BIVENS	)	Magistrate Judge Christopher H. Steger

**ORDER**

U.S. Magistrate Judge Christopher H. Steger filed a report and recommendation (Doc. 211) recommending that the Court: (1) grant Defendant's motion to withdraw his not-guilty plea to a lesser-included offense of Count One of the sixteen-count Superseding Indictment; (2) accept Defendant's guilty plea to a lesser-included offense of Count One of the sixteen-count Superseding Indictment; (3) adjudicate Defendant guilty of conspiracy to distribute and possess with intent to distribute five grams or more of methamphetamine (actual) and fifty grams or more of a mixture and substance containing a detectable amount of methamphetamine, in violation of 21 U.S.C. §§ 841(b)(1)(B) and 846; and (4) order that Defendant remain in custody until further order of this Court or sentencing in this matter. Neither party filed a timely objection to the report and recommendation.

After reviewing the record, the Court agrees with Magistrate Judge Steger's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Doc. 211) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not-guilty plea as to a lesser-included offense of Count One of the sixteen-count Superseding Indictment is **GRANTED**;
2. Defendant's plea of guilty to a lesser-included offense of Count One of the sixteen-count Superseding Indictment is **ACCEPTED**;

3. Defendant is hereby **ADJUDGED** guilty of conspiracy to distribute and possess with intent to distribute five grams or more of methamphetamine (actual) and fifty grams or more of a mixture and substance containing a detectable amount of methamphetamine, in violation of 21 U.S.C. §§ 841(b)(1)(B) and 846;
4. A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and
5. Defendant **SHALL REMAIN** in custody until further order of this Court or sentencing in this matter which is scheduled to take place on **May 8, 2019, at 2:00 p.m.** before the undersigned.

**SO ORDERED.**

**ENTER:**

/s/  
**CURTIS L. COLLIER**  
**UNITED STATES DISTRICT JUDGE**